

IN THE
ARIZONA COURT OF APPEALS
DIVISION TWO

TAX LIEN SERVICES, LLC,
Plaintiff/Appellee,

v.

CARREA CHRISTOPHER,
Defendant/Appellant.

No. 2 CA-CV 2018-0071
Filed November 15, 2018

THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND
MAY NOT BE CITED EXCEPT AS AUTHORIZED BY APPLICABLE RULES.
NOT FOR PUBLICATION
See Ariz. R. Sup. Ct. 111(c)(1); Ariz. R. Civ. App. P. 28(a)(1), (f).

Appeal from the Superior Court in Pima County
No. C20173069
The Honorable Brenden J. Griffin, Judge

APPEAL DISMISSED

Carrea Christopher, San Diego, California
In Propria Persona

MEMORANDUM DECISION

Presiding Judge Vásquez authored the decision of the Court, in which
Judge Eppich and Chief Judge Eckerstrom concurred.

V Á S Q U E Z, Presiding Judge:

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¶1 In this action to foreclose the right to redeem a tax lien, Carrea Christopher appeals from the trial court’s judgment in favor of Tax Lien Services LLC. For the following reasons, we dismiss the appeal.¹

¶2 We have an independent duty to review our jurisdiction, *Santee v. Mesa Airlines, Inc.*, 229 Ariz. 88, ¶ 2 (App. 2012), and we must dismiss an appeal if we lack jurisdiction, *Robinson v. Kay*, 225 Ariz. 191, ¶ 4 (App. 2010). “It is settled in Arizona that the perfecting of an appeal within the time prescribed is jurisdictional; and, hence, where the appeal is not timely filed, the appellate court acquires no jurisdiction other than to dismiss the attempted appeal.” *James v. State*, 215 Ariz. 182, ¶ 11 (App. 2007) (quoting *Edwards v. Young*, 107 Ariz. 283, 284 (1971)); see also *Mayer v. State*, 184 Ariz. 242, 243 (App. 1995) (“Appellate courts lack jurisdiction to consider appeals that are not timely filed.”).

¶3 A party may appeal a superior court judgment by filing a notice of appeal with the clerk of the superior court that entered the judgment. Ariz. R. Civ. App. P. 8(a).² However, a party “must file a notice of appeal under Rule 8 no later than 30 days after entry of the judgment from which the appeal is taken.” Ariz. R. Civ. App. P. 9(a); see also *In re Marriage of Thorn*, 235 Ariz. 216, ¶ 5 (App. 2014). The thirty-day limit for filing a notice of appeal begins upon the filing of the judgment. *Smith v. Ariz. Dep’t of Corr.*, 135 Ariz. 160, 162 (App. 1982); see Ariz. R. Civ. P. 58(b)(2) (judgment entered when clerk files it); *Haroutunian v. Valueoptions, Inc.*, 218 Ariz. 541, ¶ 10 (App. 2008) (same).

¶4 In this case, Christopher’s notice of appeal was filed on February 20, 2018 and indicated he was appealing “from the final judgment entered on or about January 20, 2018.” However, based on our review of the record, no judgment was entered that day. Instead, the “final judgment” was signed by the trial court and filed with the clerk on January 16, 2018—the same day as the hearing on Tax Lien Services’ motions for summary judgment and entry of default. And Christopher’s

¹Tax Lien Services has not filed an answering brief with this court. Although we may treat the failure to file an answering brief as a confession of error if the issues raised on appeal are debatable, see *Witherspoon v. Witherspoon*, 17 Ariz. App. 391, 393 (1972), we do not do so here because we lack jurisdiction and cannot reach the merits of Christopher’s appeal.

²“The provisions of law relating to civil actions and rules of civil procedure control the proceedings in an action to foreclose the right to redeem, including the right of appeal.” A.R.S. § 42-18203(A).

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opening brief challenges the January 16 hearing and corresponding judgment. Accordingly, Christopher must be attempting to appeal from the January 16 final judgment. However, his notice of appeal was filed five days past the thirty-day limit. *See Smith*, 135 Ariz. at 162. We therefore lack jurisdiction. *See James*, 215 Ariz. 182, ¶ 11; *see also Mayer*, 184 Ariz. at 243.

¶5 For the foregoing reasons, Christopher's appeal is dismissed.